

PLANNING BOARD

Town of Waterboro

October 26, 2000
Public Hearing
&
Regular Meeting

PUBLIC HEARING

Chairman, Doug Foglio, called the public hearing regarding the permit request of Barbara Bean to construct a communications tower for cellular and personal communications service on her property located at Tax Map 4, Lot 37, to order at 7:10 PM and asked for an overview.

Erik Carson of ATC Realty, representing the applicant/property owner, Barbara Bean, gave an overview on behalf of the Spectrum Resources network wire telecommunications tower. Mr. Carson explained the process; area of coverage; that the tower was 190' with an 8' lightening rod; that the plan is to build up Route 202. Spectrum intends to build a gravel driveway; install a 8' chain-link fence with a 12' gate; a separate municipal entrance will be installed; they will put equipment on for the municipality free of charge. They did a balloon test (and showed aerial photos) and were surprised at how much of the tower could not be seen.

Roland Denby asked which zone the tower is proposed to be in. Mr. Carson answered that the property is in the AR (agriculture/residential) zone.

Susan Dunlap asked if the lot size issue had been addressed. Mr. Carson indicated that it had been and that when you add the leased area with the driveway there is approximately 3.19 acres.

Chairman Foglio the public if there were any questions – finding none. The public hearing was closed at 7:32 PM.

REGULAR MEETING

I. ROLL CALL.

Doug Foglio called the regular meeting to order at 7:33 PM, in attendance are Susan Dunlap, Roland Denby, Everett Whitten, Todd Morey, Dwayne Woodsome and Tim Neill.

II. APPOINTMENTS.

7:46 ATC Realty on behalf of Barbara Bean – Map 4, Lot 37 Barbara Bean is requesting a permit to construct a communications tower for cellular and personal communications service on her property. Doug opened the discussion. Dwayne asked about the fence around the tower. Erik Carson indicated that it will be an 8' fence with barbed wire and will have a keyed gate. It will have a municipal lock box. The tower will not be lighted. The generator will be tested once a month and a hospital muffler will be used to keep the sound level down. Dwayne asked if the cement building would be within the compound – Mr. Carson read a letter from the company that makes the tower and read it to the Board. Sue indicated that apparently the public had no objections to this permit request since there were no members of the public in attendance.

Dwayne made a Motion to grant the permit to build a 190' high tower on the property per the plans submitted this evening and to allow approximately 2 to 4 buildings to be included in the compound pursuant to Waterboro Zoning Ordinance Section(s) 3.06(02) and 8; and, also, that it a notation be made on the Conditional Use Permit to indicate the granting of a height variance by the Waterboro Zoning Board of Appeals. Everett seconds. The Motion carries a 6-0-0 vote in favor.

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8:08 Wayne Baker – Map 39, Lot 2 Mr. Baker is requesting a permit to build on a breezeway and to repair and expand his deck on his waterfront property. Doug asked Mr. Baker where his property was located – Mr. Baker replied, that it was in Herring Cove off of the Silas Brown Road (on the right). Dwayne indicated that he believed this to be the former Dube camp, which he though had had many extensions. Doug indicated that he believed the Board had granted the previous owner the 30% expansion due to a hardship involving his daughter.

After a review of the folder on this property, it was decided that a site walk would be needed on this property prior to the Board rendering its decision. Dwayne made a Motion to perform a site walk and to have Mr. Baker return under “Old Business”. Sue seconds. The Motion carries a 6-0-0 vote in favor.

Doug wanted to point out that he had concerns regarding the lack of on-site inspections being performed on the shorefront properties.

The meeting broke at 8:30 PM to relocate downstairs. The meeting was reconvened at 8:45 PM.

8:45 Mark Morin – Map 41, Lot 26 Mr. Morin is requesting a permit to build a single-story addition with 2-car garage on his waterfront property. Doug asked when the original structure (the house) was built – Mr. Morin responded that he believed it was over 50 years ago. The garage, which is more than 100’ from the waterfront and not at issue) was built in 1996. Sue indicated that it appeared from the site plan design that Mr. Morin was adding over 100%. Mr. Morin replied that he was, but not all of that is within the setback. Doug asked how big the lot was and indicated that the Planning Board had no authority to grant anything beyond 30%. He indicated to Mr. Morin that the Board issues dimensional setbacks and that the density of the lot would need to be determined. He believed that Mr. Morin would need to go before the ZBA and as such, the Board would have to deny his application. Once the ZBA acts, he can come back before the Board. Mr. Morin would need to ask the ZBA for a variance of the 20% density requirement as well as the 30%.

After some discussion, it was decided that the Board would perform an on-site of the property. Everett made a Motion to deny Mr. Morin’s application pursuant to Waterboro Zoning Ordinance Section(s) 7.01 and 2.08 et seq. as it exceeds the 30% rule. Sue seconds. The Motion carries with a 5-0-0 vote in favor. Roland requested that a copy of the Town Attorney’s letter regarding the Desrocher property with respect to the 20% density requirement be given to Mr. Morin – it was so done.

The meeting broke at 9:00 PM to relocate upstairs and was reconvened at 9:05 PM.

9:05 Fred Owen – Map 31, Lot 6 Mr. Owen is here on behalf of the property owners, Lawrence and Sandra Goddard, requesting a permit to replace the existing foundation on their waterfront property. Doug asked where the pump tank was located. Mr. Owen indicated that the plan was to dig it out and pour the foundation; however, if it could be done without raising the building, it will be blocked off. Sue asked if it would be going outside the existing footprint – Mr. Owen responded that it would not. Doug asked if he would be excavating the entire house – Mr. Owen indicated that they would be, all but the chimney. Doug believed there to be a big issue regarding erosion and asked if there would be some grade. Mr. Owen indicated that there would be a 10’ grade outside the building and, that a representative of DEP would be coming.

Sue made a Motion to approve the application pursuant to Waterboro Zoning Ordinance Section 7.01 Development of Shorelands; and, that the Code Enforcement Officer inspect the property for erosion control before any excavation is begun. Everett seconds. The Motion carries a 6-0-0 vote in favor.

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9:45 Donald Pushaw – Map 38, Lot 19 Mr. Pushaw is requesting a permit to rebuild an existing shed on his waterfront property. Doug asked what kind of setback reduction he was looking for. Mr. Pushaw responded 85' from the shoreline. Sue believed that it looked like it was only 75' and that a sketch would be needed. Mr. Pushaw indicated that the property was approximately 175' x 110'. Discussion was made to send the Code Enforcement Officer over to review the property (and existing structure) for safety. Sue asked to have the CEO go up and look at the property for any options and come back with recommendations. Dwayne made a Motion to approve the building, to be no larger than it currently is and in the same location; that the CEO recommend how to handle the reconstruction and to require a site plan locating all structures on the property. Doug indicated to Mr. Pushaw that he could not tear down the existing shed. After some discussion, Dwayne withdrew his Motion. He then moved that the Board allow Mr. Pushaw to repair the 16' x 16' shed and to put on a gambrel roof and, that the shed be used for nothing but storage; and to require a site plan locating all structures on the property. Doug indicated that he did not believe the Board could allow him to do that, regarding the roof. After some additional discussion, Everett seconded the Motion. The Motion carries a 5-1-0 vote in favor.

III. MINUTES OF PREVIOUS MEETINGS.

The Minutes of the September 28, 2000 Regular Meeting (which had already been approved as corrected) were signed. Dwayne indicated that he had a problem with the Conditional Use Permit granted to Malcolm Roberts. He believes that the Planning Board had rejected a permit request to build a garage on this property in the past, however, there is nothing in the file and Mr. Roberts did not indicate that one had been requested in the past. Dwayne indicated that he will not sign the Conditional Use Permit until the matter is investigated and depending on the outcome of what is found.

With respect to the Minutes of the October 11, 2000 Regular Meeting, Dwayne made a motion to approve the Minutes as corrected. Todd seconds. The Motion carries a unanimous vote in favor.

IV. REPORT OF OFFICERS.

V. OLD BUSINESS.

Armand Desrochers – Map 29, Lot 14 Mr. Desrochers returns to request a permit to build a 34' x 24.6' 2-car garage to be attached to his current residence on his waterfront property off of Townhouse Road. He would also like to demolish the old garage that is on the property and build a gazebo. The Board reviewed the letter from the Town Attorney with Mr. Desrochers and provided him with a copy of same. Mr. Desrochers indicated that he believed the overhang was not calculated in the original expansion and therefore he should be able to use that excess footage now, giving him an extra 100'. Tim explained to Mr. Desrochers that the Attorney is saying that we can only use the buildings in existence at this time. Dwayne reiterated that the 30% expansion had already been used up by virtue of a previously issued Conditional Use Permit and that we could not now go back and change that.

After some discussion, Doug suggested that Mr. Desrochers have the property surveyed to determine the right-of-way and size of the property per his original deed, and to see how much land has been taken by erosion. Or, that the Board could deny the application and it could then be appealed to the ZBA, but that it would be better if he get a surveyor to go out and measure the property from the high water mark, leaving the application open and coming back under "Old Business" at another time. After further discussion, Todd made a Motion to table the application pending a survey or pending the resubmission of a new plan which would not require a survey. Sue seconds. The Motion carries a 6-0-0 vote in favor.

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Jean Moreau - Mr. Moreau returns once again to request a permit to build a 24' x 24' shed to store his pop-up and snow blower. The shed will be 46' from the swamp area. (See Minutes of August 24, 2000 and September 13, 2000.)

At the last meeting(s) it was decided to send the Code Enforcement Officer to Mr. Moreau's property to measure all buildings within the shoreland and to report his findings to the Board. The CEO did, in fact, go to the property and has submitted a site plan of what he found.

Doug indicated to Mr. Moreau that he believed the Board's hands were tied in view of the Town Attorney's response and that Mr. Moreau would have to go before the ZBA. During discussion it was proposed to Mr. Moreau that the Board would be amenable to granting him a sideline setback of no less than 10'. It was decided to send the CEO over once again to see what sideline setback could be given and that Mr. Moreau would then need to amend his original plan. Mr. Moreau will come back again under "Old Business".

Gorham Savings Bank – Map 25, Lot 6 Mike Yandell of Gorham Savings Bank, Nancy Gilbert of Sebago Technics and Bill Eaton were in attendance on behalf of the Bank. Mr. Yandell gave a brief discussion of the current issues regarding the DOT and Nancy provided the Board with a copy of a letter from Dean Lessard of DOT.

Bill Eaton discussed -

- the movement of traffic along Route 5 and indicated that DOT needs to approve any proposal;
- that the traffic island will be replaced;
- that the draft before the Board is what DOT wants but, that DOT could change it;
- that the lights to be installed will be what is called "soft recall", not blinking lights.

Doug indicated that he did not know how the public was going to feel about the changes and that the reason Gorham Savings Bank is back this evening is not the issues relating to the intersection, but the problems with the exiting the bank. Nancy asked about a stop sign instead of a light. Dwayne said the purpose was to slow traffic down and that it would be impossible for a 60' tractor to get around. Sue suggested that it appears that DOT is not giving a permit unless the road issues are resolved, they (DOT) are tying it to the application. Nancy asked if the Board could separate the traffic issues from the site issues as they are 2 separate issues. Doug concurred. Sue asked if there was anything to prevent DOT from coming back with an alternate plan. Willis Lord made it known that 250 people have signed a petition for a traffic light at that intersection and that it is, in fact, a big concern of the community.

Dwayne asked about the issues of the trees that were discussed at the last Planning Board meeting. Discussion was made and it was believed that DOT and the engineers did not believe it was an issue, not on a 15' piece of land. Nancy asked if the structure could be approved contingent on DOT. Mike Yandell asked that it be approved as proposed. Sue asked if the Board approved the site application and then it is changed by DOT, could they amend it. Doug believed they could and thought that it would be a good idea to have a public hearing on the traffic light issue; that the issues needed to be separate.

After much more discussion it was agreed that the bank should not be held up. Everett then made a Motion to approve the site plan conditioned on having a public hearing (to be scheduled for 11/16/00 or 11/30/00 as an alternate date) for review of the traffic permit at a joint hearing with DOT, Sebago Technics, Gorham Savings Bank, the Selectmen and Town, and to modify (if necessary) the approval of the permit to address concerns raised

at the meeting; and to assure that the bank incur no additional costs over and above that of the current proposal. Roland seconds. The Site Plan Checklist was reviewed prior to a vote. The Motion carried a 5-1-0 vote in favor.

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VI. COMMUNICATIONS.

VII. MISCELLANEOUS.

The site walks were scheduled for the Morin and Baker properties for Saturday, 10/28/00, at 8:30 AM, beginning at the Morin property.

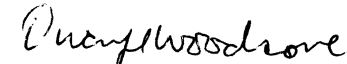
Dwayne discussed briefly what he would be proposing for the 2001-2002 budget for the Planning Board.

VIII. NEW BUSINESS.

IX. ADJOURNMENT.

Sue then made a Motion to adjourn. Everyone seconded. The motion carries a 6-0-0 vote in favor. The meeting is adjourned at 11:30PM.

Respectfully submitted,


Dwayne Woodsome,
Secretary/Treasurer
Planning Board

ACCEPTED: _____

Chairman

